

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STRIDER ROGNIRHAR, a.k.a.  
JONATHAN A. PICOLLO,

Plaintiff,

vs.

N. GRANNIS, et al.,

Defendants

No. C 07-6133 JSW (PR)

**ORDER OF TRANSFER**

(Docket Nos. 2 & 3)

Plaintiff, currently incarcerated at Salinas Valley State Prison in Soledad, California, has filed this civil rights action challenging the actions of prison officials at the Deuel Vocational Institute (“DVI”) in Tracy, California, and in Sacramento, California. Tracy and Sacramento are located within the venue of the United States District Court for the Eastern District of California.

When jurisdiction is not founded solely on diversity, venue is proper in the district in which (1) any defendant resides, if all of the defendants reside in the same state, (2) the district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought. 28 U.S.C. § 1391(b). Where a case is filed in the wrong venue, the district court has the discretion either to dismiss the case or transfer it to the proper federal court “in the interest of justice.” 28 U.S.C. § 1406(a). Venue may be raised by the court sua sponte where the defendant has not yet filed a responsive pleading and the time for doing so has not run. *Costlow v.*


1 *Weeks*, 790 F.2d 1486, 1488 (9th Cir. 1986).

2 Plaintiff complains about conditions of confinement at a prison located in  
3 Tracy, and about actions by officials located in Tracy and Sacramento, both of which  
4 are within the venue of the Eastern District of California. *See* 28 U.S.C. § 84.  
5 Therefore, the Court will transfer this action to the United States District Court for the  
6 Eastern District of California. Accordingly, IT IS ORDERED in the interest of justice,  
7 and pursuant to 28 U.S.C. § 1406(a), that this action be TRANSFERRED to the United  
8 States District Court for the Eastern District of California. In light of the transfer, the  
9 Court will not resolve Petitioner's pending motions (docket nos. 2 & 3).

10 The Clerk of the Court shall transfer this matter forthwith and terminate docket  
11 nos. 2 & 3 from this Court's docket.

12 IT IS SO ORDERED.

13 DATED: April 24, 2008

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JEFFREY S. WHITE  
United States District Judge

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27 UNITED STATES DISTRICT COURT  
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FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

STRIDER ROGNIRHAR,  
Plaintiff,

Case Number: CV07-06133 JSW

**CERTIFICATE OF SERVICE**

v.

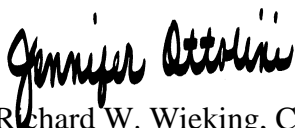
N. GRANNIS et al,  
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on April 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Strider Roegnirhar J-47519  
S.V.S.P.  
B-4-217  
P.O. Box 1050  
Soledad, CA 93960-1050

Dated: April 24, 2008

  
Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk